

The Operating Authority Regulations, 2011

being

[Chapter T-18.1 Reg 8](#) (effective January 31, 2011).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER T-18.1 REG 8

The Traffic Safety Act

Title

- 1 These regulations may be cited as *The Operating Authority Regulations, 2011*.

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Traffic Safety Act*;
- (b) **“airport-on-demand service”** means a vehicle service for hire that collects passengers at the airport and transports them to a destination directed by the passenger;
- (c) **“application”** means an application for a certificate that is in a form specified by the board;
- (d) **“black car”** means a four-door sedan-type vehicle intended for hire that:
 - (i) has seating capacity for no more than four passengers;
 - (ii) is operated by a chauffeur;
 - (iii) is the object of a valid stage 2 inspection certificate issued pursuant to section 4 of *The Vehicle Inspection Regulations, 2001*;
 - (iv) subject to subsection 6(4), has no markings on the vehicle to indicate it is a vehicle for hire;
 - (v) is not equipped with a taxi meter or any equipment designed to calculate a passenger fare based on distance travelled;
 - (vi) is not equipped with a dispatch device, two-way radio or mobile data terminal whereby the vehicle is matched with or directed to a passenger seeking to purchase transportation; and
 - (vii) is used exclusively for the transportation of passengers;
- (e) **“certificate”** means an operating authority certificate;
- (f) **“charter”** means an agreement to provide prearranged transportation for hire for the exclusive and temporary use of a passenger from a common point to a common destination;
- (g) **“chauffeur”** means a person:
 - (i) who is the holder of a valid class 4 driver’s licence issued by the administrator;
 - (ii) is dressed in either business attire or a tuxedo; and
 - (iii) operates a vehicle for the purpose of transporting passengers;

- (h) **“Class”** means, with respect to a vehicle, a Class established pursuant to *The Vehicle Classification and Registration Regulations*;
- (i) **“express”** means wares, merchandise and other commodities transported by a vehicle;
- (j) **“limousine”** means a stretch limousine, sport utility limousine or limousine bus-type vehicle intended for hire that:
- (i) has seating capacity for six or more passengers;
 - (ii) is operated by a chauffeur;
 - (iii) is the object of a valid stage 2 inspection certificate issued pursuant to section 4 of *The Vehicle Inspection Regulations, 2001*;
 - (iv) subject to subsection 6(4), has no markings on the vehicle to indicate it is a vehicle for hire;
 - (v) is not equipped with a taxi meter or any equipment designed to calculate a passenger fare based on distance travelled;
 - (vi) is not equipped with a dispatch device, two-way radio or mobile data terminal whereby the vehicle is matched with or directed to a passenger seeking to purchase transportation; and
 - (vii) is used exclusively for the transportation of passengers;
- (k) **“luxury-class passenger vehicle”** means a sedan or sport utility-type vehicle, other than a minivan, intended for hire that:
- (i) has seating capacity for not more than seven passengers;
 - (ii) is operated by a chauffeur;
 - (iii) is the object of a valid stage 2 inspection certificate issued pursuant to section 4 of *The Vehicle Inspection Regulations, 2001*;
 - (iv) subject to subsection 6(4), has no markings on the vehicle to indicate it is a vehicle for hire;
 - (v) is not equipped with a taxi meter or any equipment designed to calculate a passenger fare based on distance travelled;
 - (vi) is not equipped with a dispatch device, two-way radio or mobile data terminal whereby the vehicle is matched with or directed to a passenger seeking to purchase transportation; and
 - (vii) is used exclusively for the transportation of passengers;
- (l) **“notice of opposition”** means a written notice of opposition to an application;
- (m) **“passenger-directed”** means that the passenger determines where he or she will be transported;
- (n) **“pre-book”** means to arrange, in advance of the need for the service, the hire of the service;

- (o) “**taxi**” means a vehicle for hire that:
 - (i) is registered in Class PT; and
 - (ii) is equipped with a taxi meter or equipment designed to calculate a passenger fare based on distance travelled.

11 Feb 2011 cT-18.1 Reg 8 s2.

Exemption from certificate

3 A person is exempt from the requirement of obtaining a certificate in connection with a vehicle that:

- (a) is registered in Class A, C, D, F, GC, L, LT, LV, PC, PS, PT, PV, T or TS; or
- (b) is used to transport goods owned by the registered owner of the vehicle.

11 Feb 2011 cT-18.1 Reg 8 s3.

Application for certificate

4(1) An applicant for a certificate shall apply in accordance with the procedures set out in this section.

- (2) An applicant shall file:
 - (a) an application with the board in the manner specified by the board; and
 - (b) pay to the board the fee required by this section.
- (3) An applicant for a certificate shall pay the following fees:
 - (a) subject to clauses (c) and (d), \$180 in the case of an application for a new certificate;
 - (b) \$35 in the case of an application for an amendment to an existing certificate;
 - (c) \$50 in the case of an application where there is no existing passenger service or passenger and express service in the area that is the subject of the application;
 - (d) \$50 for a certificate to transport passengers, or passengers and express, on a route, in the case of an application to discontinue passenger service or passenger and express service.
- (4) On receipt of an application, the board shall publish a notice in the Gazette describing the application and fixing a date, not less than 21 days from the date of publication of the notice, within which a notice of opposition to the application may be filed with the board.
- (5) If, on or before the date fixed in accordance with subsection (4), a notice of opposition to the application has been filed with the board, the board shall hold a public hearing.

(6) The board may dispense with the holding of a public hearing pursuant to subsection (5) if:

- (a) the applicant for a certificate withdraws or abandons the application;
- (b) all persons who have filed a notice of opposition to the application withdraw those notices; or
- (c) a notice of opposition has not been filed with the board.

(7) Every hearing held by the board with respect to an application must be open to the public, and the board shall hear all persons who have filed with the board a notice of opposition.

(8) The board may exempt any applicant for a certificate or class of applicants for certificates from complying with this section if the board considers it to be in the public interest to do so.

11 Feb 2011 cT-18.1 Reg 8 s4.

Temporary certificates

5(1) At the request of an applicant, the board may issue a temporary certificate to an applicant for either a Class A or B operating authority.

(2) A temporary certificate is to be valid for a period of more than 14 days but not more than one year.

(3) A request for a temporary certificate must:

- (a) be in writing;
- (b) set out reasons why a temporary certificate is required; and
- (c) include any statements of shippers and consignees supporting this request.

(4) The board may:

- (a) conduct any inquiry that it considers appropriate with respect to an application for a temporary certificate; and
- (b) require the applicant to submit any information, in addition to that set out in subsection (3), that the board consider appropriate.

(5) Notwithstanding this section, the board may issue a temporary certificate without any of the requirements of this section being fulfilled if the board considers it to be in the public interest to do so.

11 Feb 2011 cT-18.1 Reg 8 s5.

Class A certificates

6(1) After reviewing an application pursuant to section 4, the board may issue the applicant with a Class A certificate that entitles the holder to operate one of the following services:

- (a) a limousine service;
- (b) a luxury-class passenger vehicle service;
- (c) a black car service; or
- (d) an airport-on-demand service.

- (2) The following conditions must be met by the holder of a Class A certificate:
- (a) the vehicle used to provide the services mentioned in subsection (1) must:
 - (i) if the service is a limousine service, be a limousine;
 - (ii) if the service is a luxury-class passenger vehicle service, be a luxury-class passenger vehicle;
 - (iii) if the service is a black car service, be a black car; and
 - (iv) if the service is an airport-on-demand service, be a black car;
 - (b) the service provided to the passenger must not be obtained by the passenger hailing, signalling, or attracting the attention of the vehicle operator while the vehicle is being operated on any street, highway or road in Saskatchewan;
 - (c) subject to subsection (3), the service provided must be a pre-booked or chartered service and the passenger hiring the vehicle must be collected at a predetermined location; and
 - (d) the service provided is a passenger-directed service.
- (3) An airport-on-demand service is not required to be pre-booked or chartered.
- (4) A vehicle with respect to which a Class A certificate has been issued may be fitted with a sign displaying the name of the person that is providing the transportation service but only if:
- (a) there is only one sign;
 - (b) the sign is located on the back window of the vehicle; and
 - (c) the text on the sign is not greater than 63.5 millimetres in height.

11 Feb 2011 cT-18.1 Reg 8 s6.

Class B certificates

- 7(1) After reviewing an application pursuant to section 4, the board may issue the applicant with a Class B certificate that entitles the holder to operate a service designated by the board.
- (2) The following conditions must be met by the holder of a Class B certificate:
- (a) any vehicle used to provide the service must be the object of a valid stage 2 inspection certificate issued pursuant to section 4 of *The Vehicle Inspection Regulations, 2001*;
 - (b) any vehicle used to provide the service must not be equipped with a taxi meter or any equipment designed to calculate a passenger fare based on distance travelled;
 - (c) the service provided to the passenger must be a pre-booked or chartered service and the passenger hiring the vehicle must be collected at a predetermined location;
 - (d) the service provided to the passenger must not be obtained by the passenger by hailing, signalling, or attracting the attention of the vehicle operator while the vehicle is being operated on any street, highway or road in Saskatchewan;

(e) the service provided to the passenger must comply with any other conditions, limitations or restrictions imposed on the holder of the operating authority by the board, including but not limited to the following:

- (i) the hours during which the service may be provided;
- (ii) the number of passengers that may be transported at one time;
- (iii) the type of vehicle that may be used to provide the service;
- (iv) the area of Saskatchewan in which the service shall be provided;
- (v) if required by the board, the use of a chauffeur to operate the service.

11 Feb 2011 cT-18.1 Reg 8 s7.

R.R.S. c.M-21.2 Reg 1 repealed

8 *The Operating Authority Regulations, 1990* are repealed.

11 Feb 2011 cT-18.1 Reg 8 s8.

Coming into force

9 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

11 Feb 2011 cT-18.1 Reg 8 s9.